

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4086

IN THE MATTER OF:

Served April 20, 1993

Application of HUBERT RAWLS)
NICHOLSON Trading as HOLIDAY TOURS)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-93-06

By application accepted for filing March 5, 1993, Hubert Rawls Nicholson, trading as Holiday Tours, (Holiday or applicant), seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Notice of this application was served on March 8, 1993, in Order No. 4064, and Holiday was directed to publish further notice in a newspaper and file an affidavit of publication. Holiday complied. The application is unopposed.

SUMMARY OF EVIDENCE

Holiday's application includes information regarding, among other things, its equipment, facilities, safety fitness, proposed tariff, finances, and regulatory compliance record.

Holiday proposes to commence operations with two 15-passenger vans. Applicant's proposed tariff contains per capita tour rates, with discounts for children, ages 3-11.

Applicant certifies that he has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

Applicant filed a balance sheet as of March 1, 1993, showing current assets of \$20,000; other assets of \$312,000; liabilities of \$185,000; and equity of \$147,000. Applicant's projected operating statement for the first twelve months of WMATC operations shows WMATC operating income of \$125,000; expenses of \$89,900; and net income of \$35,100.

It is certified that neither Holiday nor any person controlling, controlled by, or under common control with Holiday has any control relationship with a carrier other than Holiday.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --
 (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
 (ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds Holiday to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. It is further found that the proposed transportation is consistent with the public interest.

THEREFORE, IT IS ORDERED:

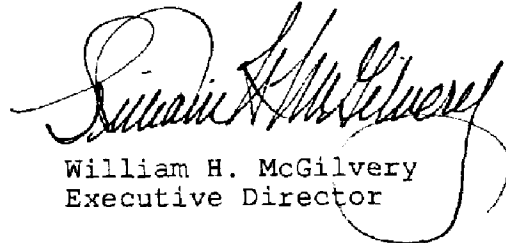
1. That Hubert Rawls Nicholson, trading as Holiday Tours, 7308 High Bridge Road, Bowie, MD 20715, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

2. That Hubert Rawls Nicholson, trading as Holiday Tours, is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 3623; (b) four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 221 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 221 shall be issued to Hubert Rawls Nicholson, trading as Holiday Tours.

4. That unless Hubert Rawls Nicholson, trading as Holiday Tours, complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:



William H. McGilvery
Executive Director